IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11737 of 2004

Between:
Chennamsetti Srinivasa Rao, s/o Surya Rao, R/o Gummuluru, Akiveedu Mandal, W.G.District.

..... PETITIONER

AND

1 The Superintendent of Police, W.G.District, Eluru.
2 The Station House Officer, Akiveedu P.S., Akiveedu, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in interfering with civil disputes and giving threats thereby causing mental torture to the petitioner as arbitrary, illegal and one without jurisdiction and consequently direct the 2nd respondent not to interfere with the civil dispute of the petitioner

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

This writ petition is filed by the petitioner, aggrieved by the action of the respondents, especially the second respondent, in interfering with the civil disputes.

2. According to the petitioner, he is an agriculturist as well as a Commission Agent as he was purchasing the agricultural produce on commission basis and selling the same to the traders. It is also stated that the petitioner used to purchase fertilizers from the shops situated around the petitioner's place and used to supply the same to the agriculturists with an undertaking that those agriculturists would sell their agricultural produce to the petitioner. In the process, the petitioner had indebted to many people for which the petitioner had executed promissory notes. As the petitioner was unable to repay the same, he filed I.P.No.42 of 2004 on the file of the Senior Civil Judge, Guntur and the same is pending. While so, it is stated that, at the instance of the creditors, the second respondent is interfering with the petitioner's life and liberty and causing harassment. Hence, the present writ petition.

3. According to the petitioner, no case is registered and pending against him with the second respondent. Therefore, the second respondent has no jurisdiction to interfere with his affairs.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

5. In view of the above stated facts that no case is registered against the petitioner with the second

respondent but he is only indebted to so many creditors and as a result of which, he has filed I.P.No.42 of 2004 which is still pending, the second respondent has no jurisdiction to interfere with the life and liberty of the petitioner.

6. Under the above circumstances, the second respondent is directed not to interfere with the life and liberty as well as the affairs of the petitioner and his family members, as long as no case is registered against the petitioner with the second respondent.

7. With the above directions, the writ petition is disposed of. No costs.

_____

09.07.2004

VGB

To

1 The Superintendent of Police, W.G.District, Eluru.
2 The Station House Officer, Akiveedu P.S., Akiveedu, West Godavari District.
3 2CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT)
4 2CD copies